

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

REBECCA CARRASCO,

Plaintiff,

v.

No. 2:22-cv-352 KG/KRS

ASSURANT, INC.; AMERICAN BANKERS  
INSURANCE COMPANY OF FLORIDA; and  
WELLS FARGO INSURANCE INC.,

Defendants.

**ORDER VACATING SCHEDULING CONFERENCE AND TO SHOW CAUSE**

This matter is before the Court *sua sponte* and upon review of the record. This action was removed to this Court on May 6, 2022, and Plaintiff is proceeding pro se. (Doc. 1). On May 31, 2022, the Court entered an Initial Scheduling Order setting a Rule 16(c) scheduling conference for July 19, 2022. (Doc. 15). The Court ordered the parties to meet and confer by June 20, 2022 and cooperate in preparing a Joint Status Report and Provisional Discovery Plan, and ordered Defendants to file the Joint Status Report by July 11, 2022. *Id.* On July 11, 2022, counsel for Defendants filed a Joint Status Report and Provisional Discovery Plan stating that Plaintiff “declined to participate” in the meet and confer. (Doc. 29) at 1. The Joint Status Report does not contain any information from Plaintiff.

Pro se litigants are required to follow the Federal Rules of Procedure, the Court’s Local Rules, and orders entered by the Court. *See Ogden v. San Juan County*, 32 F.3d 452, 455 (10th Cir. 1994) (explaining a party’s *pro se* status does not excuse his obligation to comply with the fundamental requirements of civil procedure rules or orders of the Court); *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir.1994) (explaining *pro se* parties must comply with same procedural

rules that govern all other litigants). Plaintiff's refusal to participate in the meet and confer and prepare Plaintiff's portion of the Joint Status Report is a direct violation of the Court's Initial Scheduling Order. The Court may impose sanctions under its inherent power to regulate its docket and promote judicial efficiency when an attorney or *pro se* party willfully disobeys a court order. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 45 (1991); *Olsen v. Mapes*, 333 F.3d 1199, 1204 (10th Cir. 2003); *Martinez v. IRS*, 744 F.2d 71, 73 (10th Cir. 1984). Moreover, under Rule 16(f), the Court may impose sanctions if a party or an attorney fails to obey a scheduling or other pretrial order. *See* Fed. R. Civ. P. 16(f)(1)(C); *Gripe v. City of Enid*, 312 F.3d 1184, 1188 (10th Cir. 2002) (explaining Rule 16(f) gives courts "very broad discretion to use sanctions where necessary to insure ... the expeditious and sound management of the preparation of cases for trial") (citation omitted). One such sanction within the discretion of the Court is to dismiss an action for want of prosecution. *See, e.g., Link v. Wabash R.R. Co.*, 370 U.S. 626, 628-30 (1962); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 856 (10th Cir. 2005).

IT IS THEREFORE ORDERED that **no later than July 25, 2022**, Plaintiff shall meet and confer with Defendants' counsel regarding the Joint Status Report, and **no later than August 1, 2022**, Plaintiff or Defendants' counsel shall file a completed Joint Status Report with the Court. Plaintiff is warned that failure to comply with this Order may result in sanctions, including dismissal of this action. *See Ehrenhaus v. Reynolds*, 965 F.2d 916, 920-21 (10th Cir. 1992).

In addition, the docket indicates that Plaintiff has provided two different email addresses. In the Complaint Plaintiff states her email address is rebeccacarrasco007@gmail.com (Doc. 1-1

at 2), and in a recently-filed form Plaintiff states her email address is rebcarrasco007@gmail.com (Doc. 27).

IT IS FURTHER ORDERED that **no later than July 25, 2022**, Plaintiff shall file a notice with the Court clarifying her correct email address. Due to this discrepancy, the Court will direct the Clerk's Office to mail this Order to Plaintiff at PO Box 59, Arrey, NM 87930, in addition to sending it by email.

IT IS FURTHER ORDERED that the Rule 16 Scheduling Conference set for July 19, 2022 is hereby VACATED and will be reset after the Court receives a completed Joint Status Report.

IT IS FURTHER ORDERED that the Clerk's Office is directed to mail Plaintiff a copy of the Court's Guide for Pro Se Litigants and a copy of the Court's Local Rules.



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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE